

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**COMMISSION RECEIVABLES  
FUND 1, LLC,**

**Plaintiff,**

**VS.**

**TOMMIE E. MCILWAIN, SR., et al.,**

**Defendants.**

**8:11CV131**

## ORDER

This matter is before the court following a telephone planning conference with counsel on August 31, 2011. The plaintiff was represented by Thomas M. Rowen and the defendants were represented by Robert W. Mullin. The defendants requested leave to file an amended motion to dismiss and there was no objection by the plaintiff. The amended motion to dismiss shall be filed **by September 6, 2011**. The plaintiff requested leave to take a deposition prior to filing a response to the amended motion to dismiss. There was no objection to the request. Accordingly, the plaintiff shall have **until October 21, 2011**, to respond to the amended motion to dismiss, which time will include any time to take the requested deposition. The defendants shall have **ten working days thereafter** to file any reply. Five working days following the court's ruling on the defendants' amended motion to dismiss, the plaintiff's counsel shall initiate a telephone planning conference with the court and all counsel of record in order to progress the case to trial.

**IT IS SO ORDERED.**

DATED this 1st day of September, 2011.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge